

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
: No. 4:04-CR-56-02
v. :
: (Judge Muir)
GLENN MALONE

ORDER

May 11, 2005

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On February 12, 2004, a Grand Jury sitting in Williamsport returned a multi-count indictment charging Darrell Malone, Glenn Malone, and Kevin Gooden with, inter alia, conspiracy to commit bank fraud. On November 16, 2004, Glenn Malone entered a plea of guilty to Count 1 of the indictment which charged him with conspiracy to commit bank fraud.

A presentence report and addendum thereto were prepared and submitted to the court on March 21, 2005. Probation Officer Eric W. Noll determined that the total offense level is 12, the criminal history category is II and the guideline imprisonment range is 12 to 18 months.

A presentence conference was held on April 8, 2005, attended by assistant United States attorney Martin, defense counsel Shubin and Probation Officer Drew Thompson at which time counsel for Glenn Malone reported that there was an unresolved objection to the presentence report. Malone objected to paragraph 29 of the presentence report which did not provide for a downward adjustment based on Malone's alleged minor role in the offense. It was agreed, inter alia, that Malone would file a brief in support of his

objection within 3 weeks. On May 11, 2005, Malone filed a document entitled "Defendant Glenn Malone's Praecipe to Withdraw Objection to Paragraph 29 of the Presentence Report." Defense counsel Shubin in that document states that "the Defendant now wishes to withdraw his Objection to Paragraph 29 of the Presentence Report." Based on that document we will deem Malone's objection to paragraph 29 of the presentence report withdrawn and schedule sentencing.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Malone's objection to paragraph 29 of the presentence report is deemed withdrawn.
2. Sentence will be imposed on the Defendant in Courtroom No. 1, Williamsport, Pennsylvania, on May 23, 2005, at 11:00 a.m.

s/Malcolm Muir

MUIR, U.S. District Judge

MM:gs